

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 145, As Amended

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO RECREATIONAL ACTIVITIES; AMENDING SECTION 49-102, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 49-122, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 67-7101, IDAHO CODE, TO REVISE DEFINITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-102, Idaho Code, be, and the same is hereby amended to read as follows:

49-102. DEFINITIONS -- A. (1) "Abandon" means to leave a vehicle on private property without the permission of the person having rights to the possession of the property, or on a highway or other property open to the public for the purposes of vehicular traffic or parking, or upon or within the right-of-way of any highway, for twenty-four (24) hours or longer.

(2) "Abandoned vehicle" means any vehicle observed by an authorized officer or reported by a member of the public to have been left within the limits of any highway or upon the property of another without the consent of the property owner for a period of twenty-four (24) hours or longer, except that a vehicle shall not be considered abandoned if its owner-operator is unable to remove it from the place where it is located and has notified a law enforcement agency and requested assistance.

(3) "Accident" means any event that results in an unintended injury or property damage attributable directly or indirectly to the motion of a motor vehicle or its load, a snowmobile or special mobile equipment.

(4) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or the vehicle moving.

(5) "Administrator" means the federal highway administrator, the chief executive of the federal highway administration, an agency within the U.S. department of transportation.

(6) "Age of a motor vehicle" means the age determined by subtracting the manufacturer's year designation of the vehicle from the year in which the designated registration fee is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicle shall be deemed to be one (1) year old.

(7) "Air-conditioning equipment" means mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(8) "Alcohol or alcoholic beverage" means:

(a) Beer as defined in 26 U.S.C. section 5052(a), of the Internal Revenue Code;

(b) Wine of not less than one-half of one percent (.005%) of alcohol by volume; or

1 (c) Distilled spirits as defined in section 5002(a)(8), of the Internal
2 Revenue Code.

3 (9) "Alley" means a public way of limited use intended only to provide
4 access to the rear or side of lots or buildings in urban districts.

5 (10) "All-terrain vehicle" or "ATV" means ~~any recreation vehicle with~~
6 ~~three (3) or more tires, weighing under nine hundred (900) pounds, fifty (50)~~
7 ~~inches or less in width, having a wheelbase of sixty-one (61) inches or less,~~
8 ~~has handlebar steering and a seat designed to be straddled by the operator~~ an
9 all-terrain vehicle or ATV as defined in section 67-7101, Idaho Code.

10 (11) "Amateur radio operator." (See "Radio operator, amateur," section
11 49-119, Idaho Code)

12 (12) "Ambulance" means a motor vehicle designed and used primarily for
13 the transportation of injured, sick, or deceased persons, on stretchers,
14 cots, beds, or other devices for carrying persons in a prone position.

15 (13) "Applicant" means an individual who applies to obtain, transfer,
16 upgrade, or renew a driver's license.

17 (14) "Approved driver training course" means a training course from a
18 school licensed under the provisions of chapter 21 of this title or a driver
19 training course approved by another United States jurisdiction provided the
20 course was taken while an individual was a resident of that United States ju-
21 risdiction.

22 (15) "Approved testing agency" means a person, firm, association, part-
23 nership or corporation approved by the director of the Idaho state police
24 which is:

25 (a) In the business of testing equipment and systems;

26 (b) Recognized by the director as being qualified and equipped to do ex-
27 perimental testing; and

28 (c) Not under the jurisdiction or control of any single manufacturer or
29 supplier for an affected industry.

30 (16) "Armed forces" means the army, navy, marine corps, coast guard and
31 the air force of the United States.

32 (17) "Authorized emergency vehicle." (See "Vehicle," section 49-123,
33 Idaho Code)

34 (18) "Authorized officer" means any member of the Idaho state police, or
35 any regularly employed and salaried deputy sheriff, or other county employee
36 designated to perform the function of removing abandoned vehicles or junk
37 vehicles by the board of county commissioners of the county in which a vehi-
38 cle is located, or any regularly employed and salaried city peace officer or
39 other city employee designated to perform the function of removing abandoned
40 vehicles or junk vehicles by the city council, or a qualified person depu-
41 tized or appointed by the proper authority as reserve deputy sheriff or city
42 policeman, authorized within the jurisdiction in which the abandoned vehi-
43 cle or junk vehicle is located.

44 (19) "Authorized transportation department employee" means any em-
45 ployee appointed by the board to perform duties relating to enforcement of
46 vehicle laws as have been specifically defined and approved by order of the
47 board (see section 40-510, Idaho Code).

48 (20) "Auto transporter" means a vehicle combination constructed for the
49 purpose of transporting vehicles.

SECTION 2. That Section 49-122, Idaho Code, be, and the same is hereby amended to read as follows:

49-122. DEFINITIONS -- U. (1) "Unauthorized vehicle" means any vehicle parked or otherwise left on private property without the consent of the person owning or controlling that property.

(2) "United States" means the fifty (50) states and the District of Columbia.

(3) "Unladen weight." (See "Light weight," section 49-113, Idaho Code)

(4) "Unregistered vehicle" means a vehicle without current registration on file with the department or with the appropriate agency of another state, unless exempt from registration.

(5) "Unusual noise." (See "Excessive," section 49-106, Idaho Code)

(6) "Urban district." (See "District," section 49-105, Idaho Code)

(7) "Utility trailer" means a trailer or semitrailer designed primarily to be drawn behind a passenger car or pickup truck for domestic and utility purposes. Utility or domestic use shall include a farm trailer while being used to haul agricultural products or livestock from farm to storage, market or processing plant, or returning therefrom.

(8) "Utility type vehicle" or {"UTV}" means any recreational motor vehicle other than an ATV, motorbike or snowmobile as defined in section 67-7101, Idaho Code, designed for and capable of travel over designated roads, traveling on four (4) or more tires, maximum width less than seventy-four (74) inches, maximum weight less than two thousand (2,000) pounds, and having a wheelbase of one hundred ten (110) inches or less. A utility type vehicle must have a minimum width of fifty (50) inches, a minimum weight of at least nine hundred (900) pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle does not include golf carts, vehicles specially designed to carry a disabled person, implements of husbandry as defined in section 49-110(2), Idaho Code, or vehicles otherwise registered under title 49 a utility type vehicle or UTV as defined in section 67-7101, Idaho Code.

SECTION 3. That Section 67-7101, Idaho Code, be, and the same is hereby amended to read as follows:

67-7101. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" or {"ATV}" means any recreation vehicle with three (3) or more tires, under nine hundred (900) pounds and fifty (50) inches or less in width, having a wheelbase of sixty-one (61) inches or less, has handlebar steering and a seat designed to be straddled by the operator.

(2) "Board" means the park and recreation board created under authority of section 67-4221, Idaho Code.

(3) "Bona fide snowmobile program" means services or facilities as approved by the department that will benefit snowmobilers such as snowmobile trail grooming, plowing and maintaining snowmobile parking areas and facilities, and trail signing.

(4) "Dealer" means any person who engages in the retail sales of or rental of snowmobiles, motorbikes, utility type vehicles or all-terrain vehicles.

(5) "Department" means the Idaho department of parks and recreation.

1 (6) "Designated parking area" means an area located, constructed,
2 maintained, and signed with the approval of the land manager or owner.

3 (7) "Director" means the director of the department of parks and recre-
4 ation.

5 (8) "Highway." (See section 40-109, Idaho Code, but excepting public
6 roadway as defined in this section)

7 (9) "Motorbike" means any self-propelled two (2) wheeled motorcycle or
8 motor-driven cycle, excluding tractor, designed for or capable of traveling
9 off developed roadways and highways and also referred to as trailbikes, en-
10 duro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

11 (10) "Off-highway vehicle" means an all-terrain vehicle, motorbike,
12 specialty off-highway vehicle or utility type vehicle as defined in this
13 section.

14 (11) "Operator" means any person who is in physical control of a motor-
15 bike, all-terrain vehicle, utility type vehicle, specialty off-highway ve-
16 hicle or snowmobile.

17 (12) "Owner" means every person holding record title to a motorbike,
18 all-terrain vehicle, utility type vehicle, specialty off-highway vehicle
19 or snowmobile and entitled to the use or possession thereof, other than a
20 lienholder or other person having a security interest only.

21 (13) "Person" means an individual, partnership, association, corpora-
22 tion, or any other body or group of persons, whether incorporated or not, and
23 regardless of the degree of formal organization.

24 (14) "Public roadway" means all portions of any highway which are con-
25 trolled by an authority other than the Idaho transportation department.

26 (15) "Snowmobile" means any self-propelled vehicle under one thousand
27 (1,000) pounds unladen gross weight, designed primarily for travel on snow
28 or ice or over natural terrain, which may be steered by tracks, skis, or run-
29 ners.

30 (16) "Specialty off-highway vehicle" means any vehicle manufactured,
31 designed or constructed exclusively for off-highway operation that does not
32 fit the definition of an all-terrain vehicle, utility type vehicle or motor-
33 bike as defined in this section. The vehicle classification provided for in
34 this subsection shall become effective on January 1, 2010.

35 (17) "Utility type vehicle" or "~~UTV~~" means any recreational motor ve-
36 hicle other than an ATV, motorbike or snowmobile as defined in this section,
37 designed for and capable of travel over designated roads, traveling on four
38 (4) or more tires, maximum width less than seventy-four (74) inches, maximum
39 weight less than two thousand (2,000) pounds, and having a wheelbase of one
40 hundred ten (110) inches or less. A utility type vehicle must have a minimum
41 width of fifty (50) inches, a minimum weight of at least nine hundred (900)
42 pounds or a wheelbase of over sixty-one (61) inches. Utility type vehicle
43 does not include golf carts, vehicles specially designed to carry a disabled
44 person, implements of husbandry as defined in section 49-110(2), Idaho Code,
45 or vehicles otherwise registered under title 49, Idaho Code. A "utility type
46 vehicle" or "UTV" also means a recreational off-highway vehicle or ROV.

47 (18) "Vendor" means any entity authorized by the department to sell
48 recreational registrations.

1 (19) "Winter recreational parking locations" means designated parking
2 areas established and maintained with funds acquired from the cross-country
3 skiing account.